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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,365	01/22/2001	Sheng Liang	22271-05227	2538
758	7590	05/07/2004	EXAMINER	
			TRAN, QUOC A	
		ART UNIT	PAPER NUMBER	
		2176	DATE MAILED: 05/07/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/767,365	LIANG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Quoc A. Tran	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 January 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 60/228,904.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to application filed 01/22/2001.
2. Claims 1-14 are currently pending in this application. Claims 1, 6, 8-11, and 13 are independent claims.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

**Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.**

4. **Claims 1-5 and 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**As to independent claims 1 and 10,** the claimed invention is not tied to the technological art environment or machine. The claimed invention is not embodied on a computer readable medium, nor are the "executable instructions" explicitly recited as being carried out, or functionally tied in, to a computer environment. Therefore, the claims read on steps that could be carried out mentally and/or using paper and pencil.

**As to dependent claims 2-5,** also are not tied to the technological art environment or machine, and are rejected under the same rationale.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated over Basani et al. US Patent No. 6,718,361 B1 issued 04/06/2004 filed 04/07/2000 (hereinafter '361).**

*In regard to independent claim 6, "retrieving a cached version of the HTML page and a template/ token tree corresponding to the first HTML page, the tree including at least one static node; comparing the cached version of the HTML page with the received HTML page to identify non-matching content in the received HTML page; parsing only the non-matching content to form at least one subtree; creating a mapping from the template/token tree to the subtree", as taught by '361 at col. 4, line 60 through col. 5, line 10, also at col. 12, lines 10-18 (i.e. ... HTML file are to be compress ...).*

*In regard to dependent claim 7, "replacing at least one static node of the template/token tree with a token; and creating a mapping from each token to at least one subtree", as taught by '361 at col. 6, lines 18-35 (i.e. mechanism for distributing content to dynamically elected group leaders, a dynamic tree structure is maintained by the system based ... reported to and processed by the CCM... There is a user interface*

mechanism to allow a system administrator to override (or configure) this election and arrangement behavior and to artificially define a static behavior).

**In regard to independent claim 1,** incorporate substantially similar subject matter as cited in claim 6 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 2,** incorporate substantially similar subject matter as cited in claim 7 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 3,** "*adding at least one token node to the template/ token tree; and creating a mapping from each token to at least one subtree*", as taught by '361 at col. 5, lines 1-11.

**In regard to dependent claim 4,** "*the data file is a web page*", as taught by '361 at col. 1, line 5-19 (i.e. Digital content creators are users who utilize workstations or other computers to create or digitize information in preparation for publication as "content." When such content is to be shared with or published to a number of other computer users using a wide area network (WAN), such as the World Wide Web ("the Web")).

**In regard to dependent claim 5,** "*the data file is an HTML file*", as taught by '361 at col. 12, lines 10-18 (i.e. ... HTML file are to be compress ... ).

**In regard to independent claim 8,** incorporate substantially similar subject matter as cited in claim 6 above, and in further view of the following, and is similarly rejected along the same rationale;

*"responsive to a determination that the cached version of the HTML page does not exist: parsing the received HTML page to form a second template/ token tree, the*

*second tree containing at least one static node; and storing the second tree and the received HTML page.*”, as taught by ‘361 at col. 7, lines 50-60 (i.e. ... the Content Mover can interface with the load-balancing products to instruct the load balancers to remove a BES or a cache from their rotation lists when a BES failed to receive or successfully process and assignment. This allows re-direction of load-balanced requests to only those servers that have the most valid and up-to-date content).

**In regard to independent claim 9,** incorporate substantially similar subject matter as cited in claim 6 above, and in further view of the following, and is similarly rejected along the same rationale

*“ derivative services”*, as taught in ‘361 at col. 8, lines 45-60 (i.e. derivative services is same as services running on the distribution server).

**In regard to independent claim 10,** incorporate substantially similar subject matter as cited in claims 6, and 9 above, and in further view of the following, and is similarly rejected along the same rationale;

**In regard to independent claim 11,** incorporate substantially similar subject matter as cited in claim 6 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 12,** incorporate substantially similar subject matter as cited in claims 6-7 above, and is similarly rejected along the same rationale.

**In regard to independent claim 13,** is directed to a system for performing the method of claim 6, and in further view of the following, and is similarly rejected along the same rationale;

*"at least one virtual browser for retrieving content from primary content servers; an identification engine, communicatively coupled to the virtual browser for identifying retrieved content"*, as taught by '361 at col. 5, lines 12-23 (i.e. ... The staging server is interrogated by a distribution server running a content management service known as content control manager ("CCM"), according to configurable policies (such as scheduled updates, events, backups). A browser-based policy management system interacts with the distribution server to establish content management service configurations and content distribution policies).

**In regard to dependent claim 14,** is directed to a system for performing the method of claims 6-7, and is similarly rejected along the same rationale;

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fields et al. U.S. Patent No. 6,605,120B1 issued 08/12/2003 filed 07/19/1999

Quinlan et al. U.S. Patent No. 6,397,253B1 issued 05/28/2002 filed 10/06/1998

Luckenbaugh et al. U.S. Patent No. 6,311,269B1 issued 10/30/2001 filed 06/15/1998

Nazem et al. U.S. Patent No. 5,983,227 issued 11/09/1999 filed 06/12/1997

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (703) 305-

8781. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Quoc A. Tran*  
**Patent Examiner**  
**Technology Center 2176**  
**April 30, 2004**

*(Signature)*  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**